

London Society of Apothecaries

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REASONS

For the *Wardens of the Apothecaries* being joined with the *Censors of the College*

In their Viewing, Judging, and Destroying of Defective and Corrupted Drugs and Medicines.

I. THAT by the Act 32 H. 8. the Wardens are expressly directed to be called in by the Censors before any Medicines can be destroyed, which surely implies a Right in them to Examine and Judge of such Medicines, or else their presence could be to no purpose, and seems intended as an alloy to the large power given by that Act.

II. That the best Expounder of such Antient Laws is the common Use and Custom which has ever since the making that Act, been on the side of the Wardens, and no Drugs or Medicines Destroy'd without their Vote and Suffrage. And so the common opinion was at the time of the Act. *1st Maris*, as is evident by the Clause giving the Censors power to proceed in putting the former Act in execution if the Wardens refused to attend, which was wholly unnecessary if they had not a Right of Judging.

III. That the revival of this Search is but of late Years, and for 30 before and upwards, the College made no Regular Search; and its not pretended that the Wardens were ever deficient in their Duty or Attendance, and therefore have Forfeited no just Right, but are with all Humble Submission intitled to Favour.

IV. That the Wardens are Sworn to exercise their Offices without Favour or Affection; and being the Seniors of the Company, always above Fifty Years of Age, can't in common Justice but be supposed as good Judges of Drugs and Medicines as any others however Qualify'd.

V. That the Power given by this Act being of so high a Nature as peremptorily to determine the Propertys and Reputation of numerous Persons and their Familys Unsummoned and unheard (for it must frequently happen that at the time of such Search the Party will be Abroad) is not allowed in any other part of our Law; and therefore its presum'd in all humble manner, That it ought not to be Lodged in the Hands of two or three persons how much soever now esteemed, but in as large a Number as may be suitable to the Occasion, and with a Liberty to Appeal.

If it be alledged. That the Company at a meeting with the College, did submit that the Words in the present Act should stand as in the former.

Answer. That the College having then Declared their Opinion, that the Wardens have no Right of Judging, and are only common Spectators; its hoped that this matter shall now be settled, and this present Law made agreeable to the present Times and Constitution, without respect to the Rigors of the former Act.